

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:10-CR-00111-07

BARRY ADKINS

AFFIDAVIT OF GREGORY J. CAMPBELL

STATE OF WEST VIRGINIA:

COUNTY OF KANAWHA, to-wit:

I, Gregory J. Campbell, state and affirm as follows:

1. My name is Gregory J. Campbell.
2. I am an attorney licensed to practice law in the state of West Virginia and admitted to practice before the United States District Court for the Southern District of West Virginia.
3. In that capacity I represented Barry Adkins in a case styled *United States v. Barry Adkins*/Case No. 3:10-cr-00111-7.
4. An indictment was returned against Mr. Adkins on July 27, 2010; a superseding indictment was returned January 11, 2011; and trial was schedule for September 7, 2011.
5. On Thursday, September 1, 2011, the United States served me, via facsimile, a report of investigation that was prepared on August 31, 2011, in reference to an interview of Martha Brown that was held on August 29, 2011. I was informed by the prosecutor that she intended to call Ms. Brown as a witness in Mr. Adkins trial. Since the upcoming weekend was Labor Day weekend and Monday was a holiday I only had two working days before trial to prepare for Ms. Brown. I filed a motion in limine the following day asking the district court to prohibit the government from calling Ms. Brown to testify at trial.
6. On the morning of trial the district court called Ms. Brown to testify outside of the presence of the jury, then ordered that Ms. Brown would be permitted to testify. Ms. Brown then testified in the presence of the jury concerning certain bank deposits. As Ms. Brown

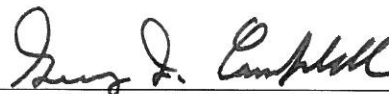
testified, I questioned whether some of the things she was saying were true and accurate. The jury returned a verdict against Mr. Adkins.

7. Before trial I had spoken with the prosecuting attorney about the bank records seized by the United States from Mr. Adkins' home. The prosecutor told me that as far as she knew all of the bank records had been returned to Mr. Adkins' former attorney. I received certain bank records in a banker's box, but those records did not include bank deposit records showing deposits from Tri-State Realty, Mr. Adkins' business, to Ms. Brown's bank. Without the deposit records I could not cross-examine Ms. Brown at trial concerning deposits allegedly made by Mr. Adkins.
8. In chambers before Ms. Brown took the witness stand, the judge indicated he had some reservations but decided to let Ms. Brown testify in front of the jury.
9. After trial Mr. Adkins contacted Chase and obtained the deposit records from Chase bank, and prepared a chart. If I had the deposit records at trial I would have used them to cross-examine Ms. Brown and offered evidence that her testimony concerning the deposits was not completely accurate.
10. In addition, with the deposit records I also would have called a Donald Keith Bazell to testify at trial. Mr. Bazell is an employee of Tri-State Rentals, Mr. Adkins' family business. Mr. Bazell has worked for Tri-State for about 15 years. He collected rental payments (cash and checks) from the tenants and made the vast majority of the deposits for Tri-State. Mr. Bazell would have identified handwriting on the deposit slips as his handwriting.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

21 FEB 2012

Date

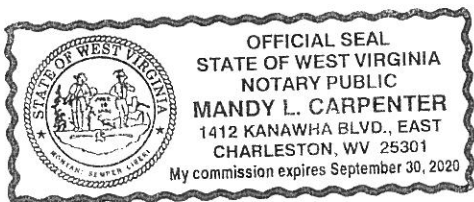


Gregory J. Campbell

I, Mandy Carpenter, a Notary Public in and for the aforesaid County and State, do hereby certify that Gregory J. Campbell, whose name is signed to the foregoing Affidavit, has this day acknowledged the same before me in my said County and State.

Given under my hand this 21st day of Feb., 2012.

My commission expires: Sept. 30, 2020



Mandy Carpenter
Notary Public